IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

MONDAY, THE 26TH FEBRUARY 2007 / 7TH PHALGUNA 1928

Crl.Rev.Pet.No. 857 of 2007(E)

CRA.1258/2004 of VI ADDL. DISTRISCT & SESSIONS COURT, ERNAKULAM
CC.951/2001 of ADDL.CHIEF JUDICIAL MAGISTRATE, ERNAKULAM

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REVN. PETITIONER:

MRS. LOVELY SHAJU, AGED 43 YEARS,
W/O. M.C. SHAJU, MOZHUKANAL, VYTTILA,
KOCHI - 19

BY ADV. SRI.P.B.ASOKAN
SRI.GEO PAUL

RESPONDENTS:

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1. ANIL VARGHESE, S/O. VARGHESE,
5-B CHANDRA TOWERS,
VYTTILA, KOCHI - 19.

2. STATE OF KERALA REPRESENTED BY
THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY ADV. SRI. AMJAD ALI, PUBLIC PROSECUTOR

THIS CRIMINAL REVISION PETITION HAVING COME UP FOR ADMISSION ON 26/02/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.R. UDAYABHANU, J.

CRL.R.P. NO. 857 of 2007

Dated this the 26th day of February, 2007

ORDER

The revision petitioner stands convicted for the offence under section 138 of the Negotiable Instruments Act and sentenced to undergo simple imprisonment for a period of one month and to pay a fine of Rs.1,50,000/- and in default to undergo simple imprisonment for two months. Out of the fine amount Rs. 1,45,000/- is to be paid to the complainant.

2. The revision petitioner has sought for modification of sentence and for time to make the payment. In the circumstances, sentence is modified to imprisonment till rising of the court and to pay a compensation of Rs. 1,45,000/- under section 357(3) Cr.P.C and in default to undergo simple imprisonment for three months. The revision petitioner is granted six months time from today onwards to pay the amount of compensation. The revision petitioner shall appear before Additional Chief Judicial Magistrate, Ernakulam on 30.08.2007 to receive sentence.

The Crl. R.P is disposed of accordingly.

K.R.UDAYABHANU,JUDGE.

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